



PUBLIC DEFENDER'S Handbook



PUBLIC DEFENDER'S ***Handbook***

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PUBLIC DEFENDER'S HANDBOOK

Introduction

On May 18, 1995, a joint memorandum issued by the Director, Executive Office of U.S. Attorneys, and the Director, U.S. Marshals Service (USMS) revised Fact Witness Procedures to be followed by both agencies. In this memorandum, the USMS agreed to assume responsibility and serve as the focal point for assisting the Public Defender or court-appointed attorneys with witness reimbursement issues. Provisions of the Criminal Code provide the Fees and Expenses of Witnesses Appropriation (FEW) for witness payments for Public Defender and court appointed attorneys.

This handbook is in response to numerous requests for materials and guidance on Criminal Justice Act (CJA)/Public Defender witnesses and what the USMS can, and cannot, pay. These guidelines apply **only** to Fact Witnesses and do **not** apply to expert witnesses and fees for psychiatric examinations or testimony. If other defense services are required, they are approved by the presiding judge or magistrate pursuant to guidelines of the Administrative Office of the U.S. Courts.

Signature cards (SF-210) of all Assistant Public Defenders must be certified by the Public Defender and be on file with the USMS. A Government employee must be designated to authorize witness vouchers (Form OBD-3).

**For additional information, please contact your local
U.S. Marshal's office.**

Subpoenas

The United States Marshal (USM) serves subpoenas for the government and for defendants of Public Defender or CJA court-appointed attorney, if so ordered by the Court. CJA (specifically FEW) funds are **not** available to pay for private process servers and **attorneys** should **not hire a process server to serve these subpoenas.** (Refer to Federal Rule of Criminal Procedure 17(b).)

Before subpoenas can be served at government expense, it is necessary for a **CJA attorney** to provide:

- a certified court order (in compliance with the terms of Federal Rules of Criminal Procedure 17 (b)) listing the names of the witnesses to be subpoenaed and their addresses. The Order should be accompanied by the completed subpoenas ready for issuance by the court.

The Court will return a confirmed copy of the certified order signed by the Judge authorizing issuance and service of the subpoena, and payment of the costs and fees by the government. A copy of the certified order allowing for witnesses to testify at government expense will be sent by the court to the U.S. Marshal's office and the subpoena will then be served.

The U.S. Marshal's office should have at least 10 working days for service.

Notice to Fact Witnesses (OBD-2)

It is the responsibility of the U.S. Marshal's office to provide adequate information to CJA/Public Defender witnesses on:

- hotels, taxi cabs and availability of government lodging near the court facility, and
- the Form OBD-2 (Appendix 1), Instructions for Fact Witnesses Appearing on Behalf of the United States Government (or Subpoenaed on Behalf of Indigent Defendant). This form, provided with the subpoena, details allowable expenses for attendance, transportation, lodging and meals, and should be customized for the city in which they are to appear.

The USMS can reimburse witnesses only at the rates applicable to the Federal Government as indicated on the Form OBD-2. The U.S. Marshal can provide a current Form OBD-2 and answer questions about current per diem rates.

Travel, Lodging, Meals and Incidental Expenses

Fact witnesses are entitled to reimbursement for necessary transportation by the **least** expensive method available, and reimbursement for meals and lodging when required to remain away from their residence overnight.

Common Carrier. When commercial transportation is required outside the local commuting area:

1. The **CJA/Public Defender** must inform the witness to contact the U.S. Marshal's office on how to make travel arrangements and to obtain government transportation rates.
2. The U.S. Marshal's office will make prepaid travel arrangements using contracted government rates or other rates that are deemed most advantageous to the government.
3. When the witness arranges their own travel they will be reimbursed using the contracted government coach fare or lower. Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the government. All reimbursement for common carrier must be supported by receipts.
4. The U.S. Marshal's office will **not** reimburse witnesses for first class air fare and/or for fares that are not a result of direct transportation to and from the court city.

To and From Carrier Terminals. Receipts are required for all single items costing over \$25.00. Expenditures for taxicab and airport limo fares are reimbursed. However, when courtesy transportation is provided by hotels/motels, the witness should be made aware of their requirement to use them.

Rental cars. Rental cars are **not** reimbursable, except under special/unusual circumstances pre-approved by the presiding officer of the Court or the Clerk of the Court. By law, parking receipts are required to reimburse witnesses for any parking expense.

Lodging. All reimbursement for lodging must be supported by Hotel/Motel receipts. Reimbursement will be for the actual cost of lodging and will **not** exceed the allowable rates for the city. The witness will be required to provide copies of lost/destroyed receipts from the lodging establishments before receiving reimbursement.

If lodging is required by the witness:

- The **attorney** will make the reservations, or have the witness make his own room reservations, not to exceed the maximum allowable lodging rates for that court city.
- If the lodging receipt shows a charge for double occupancy, one-half of the double occupancy charge will be allowable for each witness. If the person sharing the room is not a witness, the witness will be allowed the single-room rate not to exceed the maximum allowed.
- When a witness obtains lodging from friends or relatives with or without charge, no lodging expense will be authorized. *Meals and Incidental Expenses.* Receipts for food are **not** required. The maximum per diem rates include a fixed allowance for meals and incidental expenses, when an overnight stay is required. The fixed allowance varies with each court city. Fact Witnesses are entitled to one-half the daily meals and expense allowance for the day of departure, and one-half the allowance for the day of return. Full days at the place of attendance will be at the full meals and incidental expense allowance rate for each court city.

Travel by Privately Owned Vehicle (POV)

If the witness uses a POV for their convenience, they will be paid as if they traveled by common carrier. However, if the presiding officer of the Court or the Clerk of the Court authorizes the use of a POV, then a reasonable minimum daily travel distance is 300 miles one way. If a witness leaves their residence earlier than necessary, they will be paid only for the travel time to the court city.

If the witness wishes to commute to and from home, and it is more expensive than obtaining lodging in the court city, then the witness will be paid whichever is lesser to the government.

Appearance

For each day the witness is away from home to appear as a witness they are entitled to a \$40 witness fee, plus expenses as outlined in the Travel, Lodging, Meals and Incidental Expenses summarized on page 4.

1. The Public Defender or court appointed attorneys may authorize payments for Pre-trial Conferences not to exceed three days (five days if a weekend is included) with non-local witnesses between the scheduling of a trial, hearing or grand jury proceeding and a witness appearance.
2. Pretrial days caused by scheduling changes in trial, hearing or grand jury proceeding dates require a written explanation by an attorney. The explanation should be attached to the witness voucher.
3. Separate pre-trial travel for conferences are restricted unless approved by the presiding officer of the Court or the Clerk of the Court. For unusual circumstances see the Presiding Officer of the Court section summarized on page 8.

Fact Witness Voucher

Once a witness is advised that his or her attendance is no longer required, a Fact Witness Voucher, Form OBD-3 (Appendix 2), is obtained from the District Court or Federal Public Defender for each witness subpoenaed.

Part I - Attendance Certification

The voucher is to be prepared **by the attorney** for each witness. The **attorney** is responsible for completing the top of the form, including the Social Security Number (SSN) and Part I-Attendance Certification (Sections A and B), .

Part II - Allowances

- **Sections C through F:** The **attorney** is responsible for completing these sections. The amount columns should **not** be completed. The right column section will be completed by the U.S. Marshal's office.
- **Section G, Witness Certification:** The witness must sign the voucher.
- **Section H, Claim Verification:** A Government employee must be designated to authorize witness vouchers. After a witness has testified, the **court appointed attorney** should present the voucher to the Clerk of the Court or his Deputy for signature.

The voucher must then be submitted by a Government employee or **court appointed attorney** to the U.S. Marshal's office for payment. **NOTE: Witnesses may not deliver the voucher to the U.S. Marshal's office.**

Part III - Certification and Part IV - Disbursement are for U.S. Marshal's office use only.

The U.S. Marshal's office will review the voucher for completeness and accuracy, then process the voucher for payment. Usually, the payment will be mailed to the address on the voucher, therefore, care and attention should be taken to make sure that the address is accurate and legible. Under unusual circumstances, the U.S. Marshal's office may pay the witness immediately if the witness requires the funds to return home and prior arrangements have been made.

Presiding Officer of the Court

The U.S. Marshal is only authorized to reimburse travel expenses from the place the subpoena was served to the court city and return. The U.S. Marshal's office is **not** authorized to reimburse expenses greater than normal government travel rates. Some special situations arise that can be addressed by the presiding officer of the Court or the Clerk of the Court.

Should a witness have special needs for which reimbursement is anticipated, please contact the presiding officer of the Court or the Clerk of the Court before incurring expenses. The U.S. Marshal's office **cannot** pay without written approval of the Court. Special situations may include and are **not** limited to:

- first class air travel
- rental cars
- baby sitters
- pet care
- ambulance or nursing attendants' fees

The following types of expenditures are **not** authorized:

- phone calls
- dry cleaning
- room service
- bar tabs

Special Situations

Travel Advances. At least 2 weeks advance notice to the U.S. Marshal's office is required for travel advances. These advances are limited to extreme need cases. The U.S. Marshal's office will advance Meals, Incidental Expenses and Lodging for the first day only. To receive a travel advance, the witness must sign a Witness Certificate for Advance, Form USM-24 (Appendix 6), and deliver it to the U.S. Marshal's office. The U.S. Marshal's office does **not** deliver advances and ***the attorney*** must arrange for it to be picked up if the witness cannot. Contact the U.S. Marshal's office for specific local procedures.

Federal Government Employees as Witnesses. Federal government employees (including tribal police officers, military and criminal investigative officers) do **not** receive witness fees, travel, or lodging if their agency is involved with their testimony (i.e., an officer testifying in an official capacity).

Witness fees will only be paid to government employees if they are in a non-pay status, such as on leave without pay, a seasonal or temporary worker, or a former employee. Call the U.S. Marshal's office if there are any questions.

If the witness' government agency is **not** involved, the witness will receive the lodging and travel, but will **not** receive the witness fees because the government is paying their salary. Witness fees are then handled as follows:

Witnesses within District. Standard Form 1164 is completed along with a statement that the case does **not** involve the employing agency. File the form with the U.S. Marshal's office for payment. Before lodging is allowed, Federal Travel Regulations require the traveler be in travel status more than 10 hours and 50 miles or more. Government employees will be paid mileage and parking only, but no per diem or witness appearance fees.

Out-of-District Witnesses.

Federal Government/Military Witnesses. Military Personnel should complete a Request for Armed Forces or Government Employee Witness, Form OBD-16 (Appendix 5), and forward the form to SAS for processing. Travel reimbursement payments to Federal Government agencies may be made via the Form SF 1012 or electronically, agency-to-agency.

Foreign Witnesses. Foreign Witnesses are entitled and paid the same fees and allowances as regular fact witnesses. However, special coordination with the Department of State, Office of Special Consular Services is required. The attorneys should contact the State Department, Office of Consular Affairs for assistance regarding procedures to follow when obtaining foreign witnesses. Although standard fees and allowances are generally acceptable, a foreign national may occasionally require additional allowances. The Simplified Acquisition Service (SAS) will also process foreign witness requests for indigent defendants and will request an advance from the Department of State. The U.S. Marshals Service should provide round-trip transportation to foreign witnesses. Contact the **Department of Justice, Justice Management Division** at (202) 307-1942 or FAX (202) 307-1932 for more information.

Prisoners as Witnesses. A petition for issuance of a writ, an order, or a writ of Habeas Corpus ad Testificandum must be prepared *by the attorney* and signed by the Judge before an incarcerated witness can appear on behalf of a defendant. The court staff will give the writ to the U.S. Marshal's office and file the order. The U.S. Marshal's office should be contacted for time frames on the movement of prisoners. Time frames vary throughout the United States but average time frames are:

- | | |
|------------|---|
| 4-7 days | Execution of a local area writ within the commuting area. |
| 10-14 days | Execution of a non-local writ within the USM District. |
| 4 weeks | Notice for an out-of-district writ. |

Non-Custodial Transportation of Defendants

Prisoners' on Bond. In 18 U.S.C., Section 4285 authorizes payment for the travel of released indigent criminal defendants on bail at court proceedings. This section allows the court to direct the U.S. Marshal's office to arrange for the "non-custodial one-way transportation" (i.e., payment of travel expenses) of a defendant on bond "to the place where his appearance [before the court] is required."

Once the court determines that a defendant on bond is unable to afford his own transportation to court, the court can direct the U.S. Marshal's office to provide the cost of one-way transportation to the court city. This authority is limited to payment of one time transportation for the defendants court appearance only. Travel is **not** authorized for pretrial consultations with defense attorneys or for pretrial service consultations.

Once a defendant travels to the court's jurisdiction the U.S. Marshal's office is **not** authorized to provide the defendant with subsistence payments at the trial site. The defendant should either:

1. remain in the court's jurisdiction, or
2. travel at his own expense, or
3. contact Pretrial services for assistance.

In 18 U.S.C., Section 3154 provides guidance for assistance for the defendant while in the court city for trial. For additional guidance, please refer to 18 U.S.C., Section 3006a.

Appendix 1

Instructions for Fact Witnesses Appearing on Behalf of the United States Government, Form OBD-2

U.S. DEPARTMENT OF JUSTICE

INSTRUCTIONS FOR FACT WITNESSES APPEARING ON BEHALF OF THE UNITED STATES GOVERNMENT
(Not Applicable to Federal Employees)



READ THE INFORMATION CONTAINED ON THIS FORM BEFORE YOUR COURT APPEARANCE. PLEASE CALL THE INDIVIDUAL(S) LISTED BELOW FOR INFORMATION REGARDING TRAVEL ARRANGEMENTS AND SPECIFIC ENTITLEMENTS. IF YOU HAVE A MEDICAL CONDITION OR FAMILY SITUATION THAT REQUIRES SPECIAL CONSIDERATION, PLEASE ADVISE THE INDIVIDUAL LISTED BELOW AS SOON AS POSSIBLE.

CONTACT PERSON(S):

TELEPHONE NUMBER:

= VERIFY YOUR ATTENDANCE =

On the last business day BEFORE you travel to court, call the above number to verify that your attendance is required. This may prevent a wasted trip in the event the trial date is changed.

= APPEARANCE IN ANOTHER CITY =

If you are required to travel to another city to appear in court, immediately contact the individual listed above and request instructions. The amount advanced to you will be deducted from your fees and allowances.

= REIMBURSEMENT OF EXPENSES AND ATTENDANCE FEES =

- A. **ATTENDANCE FEE:** You will be paid a fee of \$40 per day, including travel days.
- B. **TRANSPORTATION:** Call the individual listed above to obtain information on transportation. Reimbursement will be made for the least expensive method reasonably available to you. The following rules apply to transportation expenses:

1. **Local Travel:** The recommended method of travel in the local area of court is transit bus/subway.

2. **Privately Owned Vehicles (POV):** You will be reimbursed the following amounts:

Motorcycle _____ per mile Automobile _____ per mile Airplane _____ per mile

In addition to the above mileage allowance, necessary tolls, parking and other fees may be reimbursed. You must keep a record of your odometer readings if you travel by motorcycle or automobile. If two or more witnesses travel in the same vehicle, only one reimbursement for mileage can be made.

IF POV EXPENSES, INCLUDING MILEAGE, TOLLS, PARKING AND OTHER ASSOCIATED COSTS, ARE GREATER THAN THE GOVERNMENT AIRFARE, YOU WILL BE RESPONSIBLE FOR THE DIFFERENCE.

3. **Common Carrier:** If you are located outside the local court area, **CALL THE INDIVIDUAL LISTED ABOVE FOR INSTRUCTIONS.** Train, bus or airfare will be reimbursed at the Government rate. Reimbursement **WILL NOT** be made for First Class accommodations, "Frequent Flyer" tickets, or charter service. **DO NOT** purchase non-refundable tickets. If your appearance date changes and is cancelled, you **WILL NOT** be reimbursed for non-refundable tickets. If you have any questions concerning transportation arrangements, please contact the individual(s) listed above.

C. **MEALS:** If it is necessary for you to remain away from home **overnight**, you will receive the following daily meal allowances:

\$_____ for each travel day PLUS \$_____ for each full day at court

D. **LODGING:** If it is necessary for you to remain away from home **overnight**, you will be reimbursed for the **ACTUAL COST** of a hotel/motel room, which may not exceed \$_____ per night, including tax.

= YOU MUST RETAIN RECEIPTS =

ALL CLAIMS FOR PARKING MUST BE SUPPORTED BY A RECEIPT. OTHER EXPENSES EQUAL TO \$25 OR MORE MUST BE SUPPORTED BY A RECEIPT, WITH THE EXCEPTION OF MEALS AND MILEAGE.

= DISMISSAL =

When you are advised that your attendance is no longer required, you should request information regarding the payment of the fees and allowances on this form above. The individual requiring your attendance will provide you with a Fact Witness Voucher. You will be required to list your expenses on this Voucher. The Voucher will be submitted to the U.S. Marshals Service for payment. The U.S. Marshals Service will process the voucher and MAIL the payment to you. To require funds to return home, you must bring this fact to the attention of the individual requiring your attendance, who will notify the U.S. Marshals Service.

Appendix 2

Fact Witness Voucher, Form OBD-3

U.S. Department of Justice
Washington, D.C. 20530

Fact Witness Voucher
(not applicable to Federal employees)

The Privacy Act Statement and instructions for completion of this form are contained on the reverse of the last page.

Witness Name:		Case Number:	
*Social Security Number:		Case Name:	
Address		District:	
		Witness Tel. No.	
City	State	Zip	Travel Advance Issued: \$

PART I—Attendance Certification			Object Class	Amounts (Dollars)
A. Dates of travel from residence to court: _____				
B. Dates of travel from court to residence: _____				
C. Total days of entitlement:				
1. Trial Attendance Dates _____	\$40 @ _____ days		1156	
2. Pretrial Attendance Dates _____	\$40 @ _____ days		1194	
3. Detained Dates—Citizen/Visitor _____	\$40 @ _____ days		1193	
4. Detained Dates—Deportable Alien _____	\$ 1 @ _____ days		1195	
D. Attendance Attestation: I attest that the witness named above attended in the case or matter indicated and is entitled to the statutory allowance for attendance and travel. In proceedings before U.S. Magistrates where more than four witnesses were called, the Magistrate also attests that the approval and certificate of the U.S. Attorney were first obtained.			Total Fees	

PART II—Allowances				
E. Travel by Common Carrier (be sure to obtain receipts) Name of Carrier: _____			2191	
F. Travel by Privately Owned Vehicles: <input type="checkbox"/> Auto/Truck/Van; <input type="checkbox"/> Motorcycle; <input type="checkbox"/> Airplane (Round Trip) Total miles _____ @ \$ _____			2192	
G. Local Transportation (e.g., taxi, subway, etc.) (Receipts required for all parking and for items over \$15.00) List: _____			2193	
H. Meals and Lodging: (Receipts required for lodging) 1. Days away from Home: _____ @ \$ _____ day = _____ 2. Actual cost of lodging, not to exceed \$ _____ @ night \$ _____			2194	
I. Other Expenses (e.g., tolls, parking, etc.) (Receipts required for all parking and for items over \$15.00) List: _____			2193	
J. Gross amount of Fees and Allowances Claimed (Total of lines D thru I)				
K. Less travel advance issued by _____ <input type="checkbox"/> I received no advance to travel to court. I (DID) (DID NOT) receive a Transportation Request or Common Carrier (airline or bus) ticket to travel to court. Value \$ _____				

<p>WITNESS CERTIFICATION</p> <p>I hereby certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me, and that at the time of travel and attendance I WAS NOT a U.S. Government employee and I (WAS) (WAS NOT) a citizen of the United States. (If not a citizen, present your Alien Registration Record with this form.)</p>	Net Amount Claimed
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Witness Signature _____	Date _____	Alien Reg. Record No. _____
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PART III—Certification		
THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT		
Verified Correct: _____	Authorized Certifying Officer _____	Date _____

PART IV—Disbursement (for Finance Office use only)	
Amount from Line J Above _____	
Differences: _____	
Total Verified Correct By: _____	
Applied to Travel Advance _____	
Net to Witness Check No. _____	
Payment Issued By _____	
Disbursing Officer _____	Date _____

Appendix 3

Travel Voucher, Form SF-1012

U.S. Department of Justice

Travel Voucher

Washington, DC 20530

(Read the Privacy Act Statement on the back)

1. DEPARTMENT OR ESTABLISHMENT. BUREAU, DIVISION OR OFFICE		2. TYPE OF TRAVEL <input type="checkbox"/> TEMPORARY DUTY <input type="checkbox"/> PERMANENT CHANGE OF STATION		3. VOUCHER NO.	
4. a. NAME (Last, first, middle initial)		b. SOCIAL SECURITY NO.		5. PERIOD OF TRAVEL a. FROM b. TO	
c. MAILING ADDRESS (Include ZIP Code)		d. OFFICE TELEPHONE NO.		6. TRAVEL AUTHORIZATION DATE(S)	
e. PRESENT DUTY STATION		f. RESIDENCE (City and State)		9. CHECK NO.	
7. TRAVEL ADVANCE (From Imprest Fund or Treasury Check)		8. CASH PAYMENT RECEIPT a. DATE RECEIVED b. AMOUNT RECEIVED \$		10. PAID BY	
a. Outstanding		c. PAYEE'S SIGNATURE			
b. Amount to be applied					
c. Amount due Government (Attached: <input type="checkbox"/> Check <input type="checkbox"/> Cash)					
11-1 FOREIGN TRAVEL <input type="checkbox"/>		11-2 PURPOSE OF TRAVEL: <input type="checkbox"/> OPERATIONAL (1) <input type="checkbox"/> TRAINING (3) <input type="checkbox"/> MEETING/CONFERENCE (4) <input type="checkbox"/> RELOCATION (6) <input type="checkbox"/> OTHER (9)			
12. TRANSPORTATION Tickets, if purchased with cash or credit card. List below and attach passenger coupon; if credit card is used, show type of credit card (circle one.)		I hereby assign to the United States any right I may have against any parties in connection with reimbursable transportation charges described below, purchased under cash payment procedures (FPMR 101-7)		Traveler's Initials	
		AGENT'S VALUATION OF TICKET (a)		ISSUING CARRIER (Initials) (b)	
		MODE CLASS OF SERVICE AND ACCOMMODATIONS (c)		DATE ISSUED (d)	
				POINTS OF TRAVEL FROM (e) TO (f)	
(g) DINERS GTS OTHER \$					
(h) CASH \$					
(i) TOTAL \$				(m) TRANS. TICKETS (from reverse) (21-1) \$	
(j) COST CENTER/ACCT CLASS:				(n) MILEAGE (from reverse) (21-2) \$	
(k) DC NUMBER:				(o) SUBSISTENCE (from reverse) (21-4) \$	
(l) CALL NUMBER:				(p) VEHICLE RENTAL (from reverse) (21-6) \$	
				(q) OTHER (from reverse) (21-7) \$	
13. I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. When applicable, per diem claimed is based on the average cost of lodging incurred during the period covered by this voucher.					
TRAVELER SIGN HERE ▶		DATE		AMOUNT CLAIMED ▶ \$	
NOTE: Falsification of an item in an expense account works a forfeiture of claim (28 U.S.C. 2514) and may result in a fine of not more than \$10,000 or imprisonment for not more than 5 years or both (18 U.S.C. 287; i.d. 1001).					
14. This voucher is approved. Long distance telephone calls, if any, are certified as necessary in the interest of the Government. (NOTE: If long distance telephone calls are included, the approving official must have been authorized in writing by the head of the department or agency to so certify (31 U.S.C. 580a).)		17. FOR FINANCE OFFICE USE ONLY COMPUTATION			
APPROVING OFFICIAL SIGN HERE ▶		DATE		DIFFERENCE (21-1) \$	
				(21-2)	
				(21-4)	
				(21-6)	
				(21-7)	
15. LAST PRECEDING VOUCHER PAID UNDER SAME TRAVEL AUTHORIZATION		b. TOTAL VERIFIED CORRECT FOR CHARGE TO APPROPRIATION:			
a. VOUCHER NO.		b. D.O. SYMBOL		c. MONTH & YEAR	
16. THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT		c. APPLIED TO TRAVEL ADVANCE (Appropriation symbol) \$			
AUTHORIZED CERTIFYING OFFICIAL SIGN HERE ▶		DATE		d. NET TO TRAVELER ▶ \$	

Appendix 4

Request for Armed Forces or Government-Employee Witness, Form OBD-16

U.S. Department of Justice

Request for Armed Forces or Government-Employee Witness

INSTRUCTIONS: Use for Armed Forces and Government employees OUTSIDE your judicial district. If the witness is for an indigent defendant, attach a copy of the appointing court order.

A minimum of two weeks notification is required for ALL ARMED FORCES witnesses and is recommended for other Government employee witnesses.

If this request requires special attention, if additional assistance is needed, or if there is any change in the date of appearance of the witness(es) or change in the data concerning the witness(es), call Special Authorizations.

TO: Special Authorizations, Simplified Acquisitions Service, Procurement Services Staff, Justice Management Division

1. Name/Title Requesting Official		1a. Area Code/Tel. No.		2. Date	3. DJ File No.
4. Legal Division or USAO		5. Location		6. Use of Witness Government <input type="checkbox"/> Indigent <input type="checkbox"/>	
7. Case Name and Number		8. Nature of Case (Murder, Tort, etc.)		9. Agency (Other than Department of Justice) Involved in the Litigation	
FIRST WITNESS	10a. Name/Rank of Witness		11a. Social Security No.		13a. Agency/Branch of Service
			12a. Civilian <input type="checkbox"/> Military <input type="checkbox"/>		
	14a. Current Duty Station and Official Tel and Fax Nos.				15a. Type of Attendance <input type="checkbox"/> Deposition <input type="checkbox"/> Hearing: Type _____ <input type="checkbox"/> Trial Attendance
	16a. Witness to Report to: (Name and Address)				17a. Hour and Date of Appearance
					18a. Approximate No. Days Needed
19a. Gist of Testimony (Describe How Witness is Involved)					
SECOND WITNESS	10b. Name/Rank of Witness		11b. Social Security No.		13b. Agency/Branch of Service
			12b. Civilian <input type="checkbox"/> Military <input type="checkbox"/>		
	14b. Current Duty Station and Official Tel and Fax Nos.				15b. Type of Attendance <input type="checkbox"/> Deposition <input type="checkbox"/> Hearing: Type _____ <input type="checkbox"/> Trial Attendance
	16b. Witness to Report to: (Name and Address)				17b. Hour and Date of Appearance
					18b. Approximate No. Days Needed
19b. Gist of Testimony (Describe How Witness is Involved)					

Appendix 5

Witness Certificate for Advance, Form USM-24

U.S. Department of Justice
United States Marshals Service

WITNESS CERTIFICATE FOR ADVANCE

(Ref. USMMJ. 15-2A)

_____ District of _____

I, _____, certify that I have been served with a subpoena to appear as a witness in the United States District Court at _____ on the _____ day of _____, 19_____, in the case of United States vs. _____ Case No. _____

I further certify that I am without sufficient funds with which to travel in answer to said subpoena; therefore, I hereby request the United States Marshal, at _____ to advance me necessary government funds to be used to pay my transportation and one day's subsistence if necessary.

I further certify that I have been informed that funds advanced to me can be used only to defray my cost to appear in answer to said subpoena and that if for any reason whatsoever I do not appear I must return the entire amount advanced me to the United States Marshal at _____.

I understand that the funds advanced will be deducted from witness fees and mileage due me for testifying on behalf of the United States.

Dated at _____ this _____ day of _____, 19 _____

Received cash advance of: \$ _____

Witness Initials:

(Signature of Witness)

(Address of Witness)

(Telephone Number)

TO: United States Marshal, _____ District of _____

In accordance with the above request we have advanced \$ _____ by Check No. _____

United States Marshal